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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JIMMY DOWNS,

Plaintiff,

v.

NEVADA TAXICAB AUTHORITY, et
al.,

Defendants.

2:11-CV-453 JCM (PAL)

ORDER

Presently before the court is the matter of *Downs v. Nevada Taxicab Authority, et al*, case no. 2:11-cv-453-JCM-PAL.

On June 15, 2012, this court entered an order denying cross-motions for summary judgment. (Doc. # 61). State defendant Michael Ferriolo appealed that order. (Doc. # 64). The Ninth Circuit reversed, finding that Ferriolo was entitled to qualified immunity on plaintiff's section 1983 claim for alleged Fourth Amendment violations. (Doc. # 72). The matter was then remanded further proceedings. (Doc. # 77). As a result of the appellate court's order, the only claims remaining are for various torts under state law.

This court has the discretion to decline to hear supplemental state law claims once it has dismissed all federal claims. *San Pedro Hotel Co., Inc v. City of Los Angeles*, 159 F.3d 470, 478 (9th Cir. 1998); 28 U.S.C. § 1367(c) (stating that a "district court[] may decline to exercise supplemental jurisdiction" if it "has dismissed all claims over which it has original jurisdiction.").

1 “In the usual case in which all federal-law claims are eliminated before trial, the balance of factors
2 will point toward declining to exercise jurisdiction over the remaining state-law claims.” *Acri v.*
3 *Varian Assocs., Inc.*, 114 F.3d 999, 1001 (9th Cir. 1997) (ellipses omitted) (quoting *Carnegie-Mellon*
4 *Univ. v. Cohill*, 484 U.S. 343, 350 n. 7 (1988)).

5 The issue of whether the defendant is liable on the remaining tort law claims is best resolved
6 by Nevada state courts interpreting Nevada law. The court declines to exercise jurisdiction and
7 dismisses them without prejudice.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the case be DISMISSED.

10 DATED April 30, 2014.

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UNITED STATES DISTRICT JUDGE